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*3677*

Practitioner's Docket No. TK8778US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Martyn Hurn

Application No.: 10/672,536

Group No.: 3677

Confirmation No.: 3722

Filed: September 26, 2003

Examiner: James R. Brittain

For: BUCKLE

**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED  
PROCEDURE  
EXAMINING GROUP  
3677**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL**

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

XX deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.8(a)**

XX with sufficient postage as first class mail.

**37 C.F.R. § 1.10\***

as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

\_\_\_\_ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_.

Signature

*Christine Goellner*

Date: November 22, 2004

Christine Goellner

*(type or print name of person certifying)*

\* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## STATUS

2. Applicant is a small entity.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No Previously Paid For	Present Extra	Rate	Addit Fee
Total	5	Minus	20	= 0	x \$9 =	\$0
Indep	2	Minus	3	= 0	x \$44 =	\$0
First Presentation of Multiple Dependent Claim					+ \$150 =	\$0
Total Addit. Fee						\$0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.


*No additional fee for claims is required.*

## FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 50-0537.  
If any additional fee for claims is required, charge Account No. 50-0537.

Date: November 22, 2004

Reg. No.: 31,115  
Tel. No.: -440-684-1090  
Customer No.: 22203

  
\_\_\_\_\_  
Signature of Practitioner  
Mark Kusner  
KUSNER & JAFFE  
6151 Wilson Mills Road  
Highland Place - Suite 310  
Highland Heights, OH 44143

Application No. 10/672,536  
Amendment dated November 22, 2004  
RESPONSE TO FINAL OFFICE ACTION dated October 6, 2004



**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3677**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE APPLICATION OF : Martyn Hurn  
FOR : BUCKLE  
SERIAL NO. : 10/672,536  
FILED : September 26, 2003  
CONFIRMATION NO. : 3722  
EXAMINER : James R. Brittain  
ART UNIT : 3677  
ATTORNEY DOCKET NO. : TK8778US

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION**

Dear Sir:

In response to the Final Office Action dated October 6, 2004, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.